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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,236	05/25/2000	PEKKA PUHAKAINEN	270689	1456

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MCLEAN, VA 22102

EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/555,236

Applicant(s)

PUHAKAINEN ET AL

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Finland on December 1, 1997. Applicant is requested to provide a certified copy of the Finnish application because a copy from the International Bureau is not located in the application file wrapper (MPEP 1893.03(c)).

Drawings

2. Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated (page 3, lines 25-30). See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Figure 4 is objected because items 410 and 420 require descriptive wording (37 CFR 1.83(a)). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The

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replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1, 5, 9, 10-11 and 14-16 are objected to because in independent claims 1, 5 and 11, "preferably a bit map" and in claim 11, "being capable of" describe exemplary or optional wording (MPEP 2173.05(d)). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (US 6,097,772).

5. Regarding claim 1, 5 and 11, Johnson discloses a method of identifying a logical channel in a radio frame part (figs. 1 and 2; col. 3, lines 59-64) by decoding the channels (fig. 6) where the frame comprises a logical channel indicator (figure 1, items F1 and F2). The method further comprises reading the logical channel indicator from the information received, arranging selected

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channel decoding methods in order which they will be applied (fig. 6, step 52 and 60), channel decoding the information until all the selected channel decoding methods have been checked (col. 7, lines 48-51 and 55-60), interpreting the frame part when a channel decoding succeeds (fig. 6, voice CRC flag, FAACH likely flag and FACCH detected flag) to be a frame part having information of a logical channel (col. 7, lines 59-64), and interpreting in response to a failed decoding that the logical channel is a default value (col. 8, lines 2-8).

6. Regarding claims 2-4, 6-8, 12-14 and 19, Johnson discloses a method for ensuring that stealing is detected in a time slot part (fig. 1, items D1 and D2) comprising a training sequence that indicates stealing (fig. 1, F1-SYNC-F2; col. 3, lines 59-64) and inherently reading the training sequence. The method further comprises channel decoding in response to the stealing being indicated a first time slot block by applying a channel decoding method related to stealing (fig. 6, step 52), decoding in response to the channel decoding failing a second time slot block by applying channel decoding relating to stealing (col. 7, lines 20-23 and 28-30), and interpreting in response to a channel decoding of the first and second block failing when the channel decoding is related to stealing that the time slot comprises traffic channel data (fig. 6, FAACH likely flag and FAACH detected flag not being set -- col. 7, lines 52-62).

7. Regarding claims 9-10, 15-18 and 20-21, the receiver is a base station or a subscriber terminal (fig. 3, col. 7, lines 43-45).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Romey, IV (US 5,453,997) discloses multiple decoders to determine stealing (fig. 1). Saegusa (US 5,757,851) discloses determining stealing based on flag bit counts (fig. 6). Jokinen et

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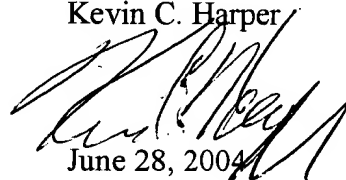
al. (US 6,038,238; fig. 5-6) and Solve et al. (US 5,905,733; abstract, last seven lines) each discloses a different training sequence for a time slot that has two signaling portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only (applications must be associated with a customer number). For more information about the PAIR system, see pair.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper



June 28, 2004